

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 1190.

Under Section 4-106 of the Environment Article, the Department of the Environment must review and approve the erosion and sediment control plan of any land clearing, soil movement, or construction activity undertaken by any unit of State or federal government. The Department also reviews and approves the erosion and sediment control plans of private persons undertaking construction activities in ten of Maryland's counties. The other counties, certain municipalities, and the Washington Suburban Sanitary Commission have full authority to approve erosion and sediment control plans for construction activities within their jurisdictions.

I believe that rigorous enforcement of erosion and sediment control plans can significantly reduce the degradation of the Chesapeake Bay and its tributaries, particularly to assure that construction activities are carried out in accordance with their own approved plans for reducing sedimentation and run-off.

To enhance the capacity of the Department of the Environment to discharge its responsibilities in this area, I authorized the creation of 22 new positions in the Department, including 16 inspectors, in my fiscal year 1991 budget. These new positions and related costs were funded with an additional \$1,084,629 in general funds. To defray these costs, I authorized the Department to introduce House Bill 1190 which, as originally drafted, would have authorized the Department to establish fees to be paid by all persons engaged in construction activities requiring approval by the Department.

House Bill 1190 was amended to require that only State agencies engaged in construction activities would be charged fees. The Department would be prevented from charging fees to the private sector or to units of the federal government. Because of this limitation, \$1,084,629 in general funds that were intended to finance the Department's new positions were cut from the budget. With only State agencies paying for the Department of the Environment to approve and inspect their erosion and sediment control plans, the result is an unworkable bill.

I believe that the Department of the Environment's review and enforcement of erosion and sediment control plans is an important function that should be paid for, like many other services performed by government, by those whose activities create the need. This is no different than payments for building code approvals and inspections that the private sector is accustomed to pay. House Bill 1190 fails to embody this important principle.

At the same time, I am fully mindful that we have a special duty to ensure that units of State government responsible for construction prepare and implement sound erosion and sediment control plans. To assure that the Department of the Environment does not delay in adding personnel to enhance its plan review and inspection capabilities for handling state-funded projects, I am directing that the secretaries of all affected departments, under the general supervision of the Secretary of Budget and Fiscal Planning, develop a program under which the affected state agencies will make fair and reasonable reimbursements to the Department of the Environment for the services they